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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,249	07/03/2003	Albert I. Everaerts	58817US002	7610

32692 7590 05/13/2005

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EXAMINER

ZIRKER, DANIEL R

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/613,249

Applicant(s)

EVERAERTS ET AL.

Examiner

Daniel Zirker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date four IDS's.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

1. The Examiner notes that U.S. Patent 6,080,480 to Shiba et al. is cited incorrectly both on one of applicants' IDS's as well as in the PCT Search Report, wherein in each of these locations the reference cited is U.S. 6,060,480; note applicants' specification at page 8, line 30. It is noted that U.S. 6,060,480 to Nakamura et al. has nothing to do with the present subject matter.

2. The following is a quotation of the second paragraph of 35 U.S.C. § 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicants regard as their invention.

3. Claims 12-15, 18-20, 24, 28, 42, 50 and 62 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. More particularly, in claims 12-15, 18 and 19 the term "auxiliary adhesive" is a term unfamiliar to the Examiner, does not appear to be defined by applicants' specification and as such is considered vague, indefinite and confusing. In claims 20 and 42 proper Markush language should be utilized, and in claims 24 and 62 the term "other monomers" is considered vague and indefinite, as is "is at least" in claims 28 and 50; for this last

informality it is suggested to delete "at least".

4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-64 are rejected under 35 U.S.C. § 103(a) as being unpatentable over applicants' admissions in the specification at page 8, line 26 - page 9 line 2 concerning each of the three references Shiba et al., Lawton and WO 96/08540, the admissions taken in view of the remaining corresponding disclosure of each of the three references. More particularly, applicants admit in their specification that each of these three references discloses "useful heat activatable adhesives", while each of the references further discloses (note particularly Shiba et al., column 1 lines 12-18, column 6 line 57 - column 7 line 12, column 7 lines 23-35, the Examples; Lawton, the Abstract, column 1 lines 5-37, column 17 lines 20-22, lines 32-39, column 18 lines 52-68, column 20 lines 10-14; WO -540, page 3, second

paragraph, pages 4-5 bridging paragraph, claim 1) a broad genus of heat activatable adhesives coated onto suitable film substrates to form a genus of what are inherently believed to define "cling articles", wherein the formed articles each feature an adhesive layer which applicants admit is suitable, with the substrate coated thereon being a film which is believed to, if not expressly or inherently disclose the subject matter of the genus of films set forth in, e.g. claim 24, be at most an obvious modification to one of ordinary skill. Additionally, the gel content of the adhesive is also believed to be, if not expressly or inherently disclosed, an obvious modification based upon the amount of cross-linking desired. With respect to the dependent claims, the particular activation temperatures of the adhesive are believed to be obvious optimizations well within the ordinary skill of the art, as is the presence of an electret film, and continuous or discontinuous adhesive layers are all believed to be parameters well within the ordinary skill of the art, in the absence of unexpected results.

6. Claims 1-64 are rejected under 35 U.S.C. § 103(a) as being unpatentable over DE 19527789A1 laid-open/disclosure document in English. The reference discloses (note particularly the Abstract, page 5, second complete paragraph, page 18, bottom paragraph bridging to page 19, first four lines, page 24, bottom

paragraph, claims 1, 9 and 10) a broad genus of heat sensitive adhesive compositions coated on a broad genus of substrates such as a film wherein one of the major components, the thermoplastic resin, exhibits a gel content from 3 to 80%, which is believed to if not inherently anticipate the claimed adhesive presumably coated composition at least reduce to practice the claimed genus of cling articles through utilization of ordinary skill. Note that page 24, bottom paragraph teaches activation of the heat sensitive adhesive to 120°C, and as before the presence of a suitable method of adhering the cling article to a substrate as well as the article adhered to that substrate are each also believed to be obvious modifications to one of ordinary skill, in the absence of unexpected results.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is (571) 272-1486. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (571) 272-1478. The fax phone number for this Group is (703) 872-9306.

Information regarding the status of an application may be

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obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dzirker:cdc

May 11, 2005

DANIEL ZIRKER
PRIMARY EXAMINER

A handwritten signature in black ink that reads "Daniel Zinker". The signature is written in a cursive, flowing style.